

Message Text

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60

ACTION AF-18

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FM AMEMBASSY CAPE TOWN

TO SECSTATE WASHDC 3987

INFO AMCONSUL DURBAN

AMEMBASSY GABORONE

AMCONSUL JOHANNESBURG

AMEMBASSY WONDON

AMEMBASSY MASERU

AMEMBASSY MBABANE

AMEMBASSY PRETORIA

USUN NEW YORK 851

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E.O. 11652: N/A

TAGS: PINS, WA

SUBJECT: NAMIBIA: TRIAL OF SWAPO NATIONAL CHAIRMAN

1. TRIAL OF DAVID MERORO, FIFTY-SIX-YEAR OLD NATIONAL CHAIRMAN OF SWAPO, COMMENCED MORNING OF SEPT 3 AT REGIONAL MAGISTRATE COURT, WINDHOEK. OBSERVERS AT TRIAL INCLUDED EMBASSY'S POL COUNSELOR, FSO WULLIAM EATON, REPS FROM AUSTRALIAN AND BELGIAN EMBASSIES, AND GERMAN CONSUL. REPS FROM SWEDISH MISSION AND UK EMBASSY WERE ENROUTE BUT HAD NOT ARRIVED FOR MORNING'S PROCEEDINGS. AFTER THREE POLICEMEN TESTIFYING FOR PROSECUTION HAD GIVEN EVIDENCE AND WERE CROSS-EXAMINED, DEFENSE ADVOCATE DAVID SOGGOT REQUESTED AND WAS GRANTED POSTPONEMENT UNTIL OCTOBER 14.

2. MERORO IS ACCUSED OF KNOWINGLY HAVING HAD IN HIS
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POSSESSION EIGHT COPIES OF "AFRICAN COMMUNIST," A MAGAZINE

PUBLISHED BY BANNED SOUTH AFRICAN COMMUNIST PARTY. THIS IS OFFENSE UNDER SUPPRESSION OF COMMUNISM ACT AND IS PUNISHABLE BY UP TO THREE YEARS IMPRISONMENT. SA POLICE CAPTAIN WHO LED RAID ON MERORO'S STORE IN KATATURA ON NIGHT FEBRUARY 7 TESTIFIED THAT HE FOUND FIVE COPIES OF "AFRICAN COMMUNIST" IN THE STORE. IN CROSS-EXAMINATION, SOGGOT RELATED MERORO'S ACCUSATIONS OF EXTREME MALTREATMENT HE RECEIVED AT HANDS OF POLICE DURING INTERROGATION THAT BEGAN IN EARLY HOURS OF FEBRUARY 8 AND CONTINUED THROUGH AFTERNOON OF FEBRUARY 9. POLICE WITNESSES DENIED ALLEGATIONS THAT MERORO HAD BEEN MADE TO STAND FOR HOURS ON END, AND HAD BEEN BEATEN, VERBALLY ABUSED, THREATENED WITH DEATH AND HUNG BY HIS MANACLED HANDS FROM CEILING RAFTERS.

3. SECOND POLICE WITNESS, A SARGEANT, TESTIFIED HE HAD FOUND TWO MORE COPIES OF "AFRICAN COMMUNIST" ON STORE'S PREMISES. WHEN THIRD POLICEMAN TO TESTIFY SAID THAT THE EIGHTH COPY OF "AFRICAN COMMUNIST" HAD BEEN FOUND AT MERORO'S HOUSE DURING SUBSEQUENT SEARCH WHEN MERORO NOT PRESENT, SOGGOT ASKED FOR POSTPONEMENT. HE SAID THAT DEFENSE HAD NOT BEEN TOLD ANY OF THE EIGHT DOCUMENTS WERE SEIZED ANYWHERE BUT IN MERORO'S STORE, AND THAT TESTIMONY THAT ONE DOCUMENT WAS FOUND IN MERORO'S HOUSE WAS HIGHLY IMPORTANT FACTOR WHICH WOULD HAVE DIRECT AND SERIOUS BEARING ON DEFENSE CASE. DEFENSE WOULD NEED TO QUESTION THE AFRICAN WHO WAS PRESENT IN MERORO'S HOUSE WHEN POLICE SEARCHED IT. THIS WITNESS WILL HAVE TO BE LOCATED IN OWAMBO, WHERE HE NOW RESIDES. IMMEDIATELY AFTER SOGGOT MADE HIS REQUEST, PRESIDING MAGISTRATE, MR. V. DE KOCK, GRANTED POSTPONEMENT.

4. ATTORNEY TIMOTHY OWEN AND SOGGOT EXPLAINED TO POL COUNSELOR AND EATON THAT DEFENSE BASING THEIR CASE ON LACK OF PROOF THAT MERORO KNOWINGLY HAD COMMUNIST PUBLICATIONS IN HIS POSSESSION. THE MAGAZINES HAD BEEN MAILED TO HIS STORE AND WERE ON PREMISES, BUT PROSECUTION, THEY SAY, HAS TO PROVE HE AWARE OF THEIR PRESENCE AND KNEW WHAT THEY WERE. DEFENSE WILL POINT OUT THAT MERORO RECEIVES MANY PUBLICATIONS IN MAIL AND HAS THEM LYING AROUND HIS STORE. TESTIMONY THAT ONE COPY WAS FOUND IN HIS HOUSE COULD DAMAGE THEIR CASE.

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5. ALONG WITH THIS LINE OF DEFENSE THAT THEY ARE TAKING, OWEN AND SOGGOT ARE GOING TO TRY TO CONVINCE MAGISTRATE THAT, IF HE DOES FIND MERORO GUILTY AS CHARGED, MERORO HAS ALREADY SUFFERED MORE THAN SUFFICIENT PUNISHMENT. THEY WILL POINT OUT IN ADDITION TO HAVING RECEIVED PAINFUL AND DEGRADING TREATMENT DURING INTERROGATION, HE WAS DETAINED FOR 059 DAYS IN SOLITARY CONFINEMENT, DURING

WHICH TIME HE NOT PERMITTED EXERCISE, DID NOT SEE LIGHT OF
DAY AND WAS NOT ALLOWED TO RECEIVE ANY VISITORS.
HURD

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